

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LINDA SMITH, MATTHEW SMITH, AND
NATHAN SMITH,

Plaintiff,

vs.

No. CIV 08-0752 JB/RLP

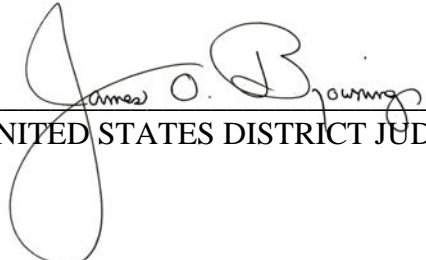
SEAN KENNY, JOHN FRIEDFERTIG,
CASSANDRA KUKOWSKI, CASEY
McDONNELL, KEVIN NAPOLEONE,
ANDREW VOCASEK, in their individual
capacities,

Defendants.

ORDER

THIS MATTER comes before the Court on Defendants Sean Kenny, Casey McDonnell, Kevin Napoleone, and Andrew Vocasek's Opposed Motion to Vacate November 16, 2009 Trial Setting and Request for Definite Trial Setting, filed October 22, 2009 (Doc. 66). The Court held a hearing on November 6, 2009. The primary issues are: (i) whether the Court should vacate the firm trial setting for November 16, 2009; and (ii) whether the Court should give the parties another firm trial setting. For the reasons discussed with the parties at the hearing, the Court will grant the Defendants' motion to vacate the trial setting, vacate the November 16, 2009 trial setting, and set the case for trial on the trailing docket for the week of December 14, 2009.

IT IS ORDERED that the trial set for November 16, 2009 is vacated and that the case is set for trial on the trailing docket scheduled for December 14, 2009.


UNITED STATES DISTRICT JUDGE

Counsel:

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-- and --

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